

**102-8-1. Definitions.** Each of the following terms, as used in the act and this article of the board's regulations, shall have the meaning specified in this regulation:

(a) "Academic equivalent of a semester credit hour" means the prorated proportionate credit for formal academic coursework if that coursework is completed on the basis of trimester or quarter hours rather than semester hours.

(b) "Act" means applied behavior analysis licensure act.

(c) "Client" means a person who is a direct recipient of applied behavior analysis services.

(d) "Continuing education" means formally organized programs or activities that are designed for and have content intended to enhance the licensee's skill, values, ethics, and ability to practice applied behavior analysis.

(e) "Fraudulent representation" shall include the following:

(1) Deceit;

(2) misrepresentation; and

(3) concealing a material fact.

(f) "Harmful dual relationship" means a professional relationship between a licensee and a client, student, supervisee, or any person who has had a significant relationship with either a current client or a person who has been a client within the past 24 months if that relationship is known to the licensee, in which the objectivity or competency of the licensee is impaired or compromised because of any of the following types of present or previous relationships:

(1) Familial;

(2) social;

(3) emotional;

(4) financial;

(5) supervisory; or

(6) administrative.

(g) "Malfeasance" means the performance of an act by a licensee that is prohibited or that constitutes wrongdoing or misconduct.

(h) "Misfeasance" means the improper performance of a lawful act by a licensee.

(i) "Nonfeasance" means the omission of an act that a licensee is required to do.

(j) "Practice setting" means the public or private agency or delivery system within which applied behavior analysis is practiced or delivered.

(k) "Related field" means a degree program in a helping profession and shall include the following:

(1) Counseling;

(2) education;

(3) engineering;

(4) healing arts;

(5) human services;

(6) marriage and family therapy;

(7) natural sciences;

(8) social work; and

(9) psychology.

(l) "Undue influence" means misusing one's professional position of confidence, trust, or authority over a client or supervisee or taking advantage of a client's vulnerability, weakness, infirmity, or distress for any of the following purposes:

- (1) To improperly influence or change a client's or supervisee's actions or decisions;
- (2) to exploit a client or supervisee for the licensee's or a third party's financial gain, personal gratification, or advantage; or
- (3) to impose one's personal values, spiritual beliefs, or lifestyle on a client, student, or supervisee.

(Authorized by and implementing K.S.A. 2015 Supp. 65-7505; effective, T-102-6-29-16, June 29, 2016.)